

**From:** [Nelson, Russell](#)  
**To:** [CC Grisham](#)  
**Cc:** [Meyer, John](#); [Sanchez, Carlos](#); [Tzhone, Stephen](#); [Moran, Gloria](#); [Seager, Cheryl](#); [keogh@adeq.state.ar.us](mailto:keogh@adeq.state.ar.us); [Carpenter, Ellen](#); [spencer@adeq.state.ar.us](mailto:spencer@adeq.state.ar.us); [katie.beck@governor.arkansas.gov](mailto:katie.beck@governor.arkansas.gov); [Mccarthy, Gina](#)  
**Subject:** RE: item to which I was referring  
**Date:** Thursday, April 23, 2015 4:39:12 PM

---

Sorry for the name mix-up Curt.

In referring to different actions, any actions that EPA Region 6 Superfund, Water Enforcement or other Divisions may be working on do not intersect and would not be considered in my review of Arkansas' or any other state or authorized tribe's water quality standards (WQS). My email to Stephen Tzhone that was included in EPA Region 6's FOIA response was originally intended to simply explain to Stephen that I'd be glad to talk to you, but since the 2013 revisions for Reg. 2 is still under review. As then, I cannot discuss or disclose any pre-decisional information concerning the ongoing review of amendments to Reg. 2.

I can say that there is nothing in the Reg. 2 that specifically refers to Arkwood by name. I would like to refer you to EPA's repository of WQS documents that are approved and effective under the CWA. Using this document, you can determine what WQS standards are effective for CWA purposes for any waters of the state. I would caution that in looking at any state's or tribe's repository document, that you read the introductory exclusions that specify those provisions that are not effective for CWA purposes. The currently EPA approved version of Reg. 2 can be found at: [http://water.epa.gov/scitech/swguidance/standards/wqslibrary/ar\\_index.cfm](http://water.epa.gov/scitech/swguidance/standards/wqslibrary/ar_index.cfm)

Russell

Russell Nelson  
Regional Standards Coordinator  
Water Quality Protection Division  
U.S. EPA, Region 6

(214) 665-6646  
(214) 665-6689 fax

-----Original Message-----

From: CC Grisham [<mailto:grish@me.com>]  
Sent: Thursday, April 23, 2015 4:16 PM  
To: Nelson, Russell  
Cc: Charles Curtis Grisham Jr.; Meyer, John; Sanchez, Carlos; Tzhone, Stephen; Moran, Gloria; Seager, Cheryl; [keogh@adeq.state.ar.us](mailto:keogh@adeq.state.ar.us); Carpenter, Ellen; [spencer@adeq.state.ar.us](mailto:spencer@adeq.state.ar.us); [katie.beck@governor.arkansas.gov](mailto:katie.beck@governor.arkansas.gov); Mccarthy, Gina  
Subject: Re: item to which I was referring

Russell,

While I do find that EPA's organizational structure and standard operating procedures are very confusing and even disjointed, I don't think I am "confusing two different actions," as you said.

You are reviewing (for over a year now) ADEQ's revision of Arkansas' APC&EC Regulation No. 2, and Arkansas's APC&EC Regulation No. 2 governs the water quality standards that are part of EPA's enforcement action at Arkwood. That part is crystal-clear to me.

I did read your email carefully and I quoted to you the same sentence you quoted back to me in reply. I'm not sure what your point was in doing that.

I disagree with your statement below that "the subject of the email had absolutely nothing to do with any WQS



9595660

standards that may apply to Arkwood.” That is exactly what the email and my inquiry that triggered the email are about.

Please do that “digging to figure out what provisions would currently apply to any waters in that area” (as you put it) and then write me back with whatever you dig up, if you would be so kind.

Thank you.

Curt (not “Kirk,” though I get that a lot)

On Apr 23, 2015, at 1:53 PM, Nelson, Russell <nelson.russell@epa.gov <mailto:nelson.russell@epa.gov>> > wrote:

Kirk,

The email is all I needed to see. Makes perfect sense now. It appears that you’re confusing two different actions, my review of the state’s WQS revisions and any compliance or enforcement action that may be considered or pending in another Division within EPA Region 6.

When initially contacted and informed that you may be interested in speaking with me, I was operating under the impression that you may have questions directly related to the state's revised standards, which I would not be at liberty to speak about with you or anyone ADEQ, only internally as it would be pre-decisional. It was, and is a very complicated revision and some decisions remain to me made even now. If you read the email carefully, you will note my statement that "We haven't acted on the submission as required within our statutory/regulatory time frame but there's a long back-story that cannot be discussed outside the agency." That is simply how I referred to my ongoing review of the state's triennial standards revision. The rest of the email simply elaborates on that issue.

The subject of the email had absolutely nothing to do with any WQS standards that may apply to Arkwood. In fact, I'd have to do some digging to figure out what provisions would currently apply to any waters in that area.

Russell

Russell Nelson  
Regional Standards Coordinator  
Water Quality Protection Division  
U.S. EPA, Region 6

(214) 665-6646  
(214) 665-6689 fax

-----Original Message-----

From: CC Grisham [<mailto:grish@me.com>]

Sent: Thursday, April 23, 2015 3:19 PM

To: Nelson, Russell

Cc: Charles Curtis Grisham Jr.; Meyer, John; Sanchez, Carlos; Tzhone, Stephen; Moran, Gloria; Murray, Suzanne; keogh@adeq.state.ar.us <<mailto:keogh@adeq.state.ar.us>> ; Carpenter, Ellen; spencer@adeq.state.ar.us

<<mailto:spencer@adeq.state.ar.us>> ; katie.beck@governor.arkansas.gov

<<mailto:katie.beck@governor.arkansas.gov>>

Subject: item to which I was referring

Russell,

Please see attached your email I referred to today on the telephone with you.

On February 5, 2015, regarding my inquiry into ADEQ revision of Arkansas Water Quality Standards (Regulation No. 2) as "submitted to EPA for Approval March 14, 2014" (per ADEQ website,) you wrote to Stephen Tzhone:

"We haven't acted on the submission as required within our statutory/regulatory time frame but there's a long back-

story that cannot be discussed outside the agency.”

Obviously, I'd like to know what the Arkwood Water Quality Standards “back-story” is; that's pretty much a central purpose of my FOIA requests.

Can you tell me specifically why this potentially-crucial information "cannot be discussed outside the agency" and why EPA had not "acted on the submission as required within [y]our statutory/regulatory time frame" by the time of your writing this email?

Thanks,  
Curt